

IN THE SENATE OF THE UNITED STATES.

LETTER

FROM

THE SECRETARY OF THE INTERIOR,

IN RESPONSE

To Senate resolution of December 20, 1892, relative to Indian trust funds held by the United States and the various claims made upon them for depredations.

JANUARY 4, 1893.—Referred to the Committee on Indian Affairs and ordered to be printed.

DEPARTMENT OF THE INTERIOR,
Washington, January 3, 1893.

SIR: I have the honor to acknowledge the receipt of a resolution of the Senate, dated 20th ultimo, in the following words:

Resolved, That the Secretary of the Interior be, and he is hereby, directed to inform the Senate:

First. Of the amounts of the different funds held in trust by the United States for the benefit of the Indian tribes, and the approximate amount which will be added to such trust funds under agreements recently made with Indian tribes.

Second. Of the amount of Indian depredation claims which has hitherto received the approval of the Department of the Interior.

Third. If within his knowledge, the whole amount of Indian depredation claims which have been presented to the Court of Claims.

Fourth. Whether any judgments rendered by the Court of Claims against Indian tribes for depredations have yet been paid out of funds held in trust by the United States for the benefit of Indian tribes.

Fifth. To what extent the funds held in trust for Indian tribes by the United States are likely to be depleted by the payment of judgments rendered or to be rendered by the Court of Claims for Indian depredations.

In response thereto I transmit herewith copy of a communication of 30th ultimo from the Commissioner of Indian Affairs which contains the information sought by the Senate.

I have the honor to be, very respectfully,

JOHN W. NOBLE,
Secretary.

The PRESIDENT OF THE SENATE.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, December 30, 1892.

SIR: I have the honor to acknowledge receipt of your reference of the 21st instant, inclosing to this office, for its report thereupon, Senate resolution of December 20, 1892, as follows:

Resolved, That the Secretary of the Interior be, and he is hereby, directed to inform the Senate:

First. Of the amounts of the different funds held in trust by the United States for the benefit of the Indian tribes, and the approximate amount which will be added to such trust funds under agreements recently made with Indian tribes.

Second. Of the amount of Indian depredation claims which has hitherto received the approval of the Department of the Interior.

Third. If within his knowledge, the whole amount of Indian depredation claims which have been presented to the Court of Claims.

Fourth. Whether any judgments rendered by the Court of Claims against Indian tribes for depredations have yet been paid out of funds held in trust by the United States for the benefit of Indian tribes.

Fifth. To what extent the funds held in trust for Indian tribes by the United States are likely to be depleted by the payment of judgments rendered or to be rendered by the Court of Claims for Indian depredations.

In reply thereto, I have the honor to report as follows:

(1) The amounts of the different funds held in trust by the United States for the benefit of the Indian tribes are as follows:

Trust funds of five civilized tribes:

Cherokee.....	\$2, 637, 235. 60
Chickasaws.....	1, 306, 695. 65
Choctaws.....	564, 594. 74
Seminoles.....	1, 500, 000. 00
Creeks.....	2, 000, 000. 00
Total.....	8, 008, 525. 99

Trust funds of tribes other than five civilized tribes:

Cheyennes and Arapahoes.....	1, 000, 000. 00
Chippewa and Christian Indians.....	42, 500. 36
Delawares.....	466, 955. 22
Eastern Shawnees.....	9, 079. 12
Iowas.....	171, 543. 37
Kansas.....	27, 174. 41
Kickapoos.....	115, 727. 01
L'Anse and Vieux Desert Indians.....	20, 000. 00
Menomonees.....	453, 195. 03
Osages.....	8, 356, 603. 35
Omahas.....	197, 182. 72
Otoes and Missourias.....	613, 478. 90
Pawnees.....	415, 811. 69
Poncas.....	70, 000. 00
Pottawatomies.....	184, 094. 57
Sac and Fox, Missouri.....	21, 659. 12
Sac and Fox of Mississippi.....	55, 058. 21
Sac and Fox of Mississippi of Oklahoma.....	300, 000. 00
Senacas.....	40, 979. 60
Senacas, Tonawanda band.....	86, 950. 00
Senacas and Shawnees.....	15, 140. 42
Shoshones and Bannocks.....	172, 789. 30
Sissetons and Wahpetons.....	1, 699, 800. 00
Stockbridges.....	75, 988. 60
Umatillas.....	196, 956. 27
Uintah and White River Utes.....	3, 340. 00
Utes.....	1, 750, 000. 00

Total 16, 562, 067. 27

The following statement shows the sums which are stipulated to be paid to Indian tribes in agreements recently made, but not yet ratified by Congress, and indicates the portions, if any, of such sums as are to become trust funds:

Apache, Kiowa, and Comanche, in Oklahoma Territory, \$2,000,000, to be disposed of as follows: To be paid per capita, within 120 days after ratification of agreement, \$200,000; to be likewise paid within one year after first payment, \$200,000; to be likewise paid within one year after second payment, \$100,000; to be retained in the Treasury to credit of said Indians at 5 per cent per annum, \$1,500,000.

Cherokee (for cession of "Cherokee Outlet"), \$8,595,736.12. The agreement provides that, "so long as the money or any part of it shall remain in the Treasury of the United States after this agreement shall have become effective, such sum so left in the Treasury of the United States shall bear interest at the rate of 5 per cent per annum, payable semiannually." It further provides that from the above sum a deduction shall be made of \$1.40 per acre for each acre taken in allotment under the provisions of section 5 of the agreement. The number of acres that may be so taken in allotment is limited by the agreement to 5,600.

Kickapoo, in Oklahoma Territory, \$64,650, to be distributed among them per capita, for the improvement of their allotments, etc. Should the number of allotments exceed 300, then the sum of \$50 for each allotment in excess of 300 is to be deducted from said sum of \$64,650. In case the Indians should so elect, any or all of said money may be placed in the Treasury and bear interest at 5 per cent per annum after the ratification of the agreement.

Pawnee, in Oklahoma Territory, to be given \$1.25 per acre for all the surplus lands remaining in their reservation after allotments shall have been made in severalty to them. The amount that will accrue to these Indians under the agreement is approximately stated as follows: area of reservation, 283,020 acres; required for allotment, about 64,000 acres; remainder, 219,020 acres, at \$1.25 per acre for this 219,020 acres, \$273,775. The agreement provides that of the amount to be paid the sum of \$80,000 in coin shall be distributed per capita upon the ratification of the agreement by Congress, the balance to be placed in the Treasury of the United States to the credit of the tribe, at 5 per cent per annum.

Tonkawa, in Oklahoma Territory, \$30,600, to be disposed of as follows: \$25 to be paid in cash to each member of the tribe within sixty days from ratification of the agreement and \$50 to be expended for each member of the tribe within six months from date of ratification; the balance, about \$25,000, to be retained in the Treasury of the United States and draw interest at 5 per cent per annum.

Wichita and affiliated bands in Oklahoma Territory. The question as to what sum of money, if any, shall be paid to the Wichitas for their surplus lands is by the terms of the pending agreement with them left to the decision of Congress; provided, that if any sum of money shall be allowed by Congress the same shall be subject to a reduction for each allotment of land that may be taken in excess of 1,060, at the price per acre, if any, that may be allowed by Congress. The draft of a bill, prepared in this office, for carrying into effect the provisions of the agreement, and which was submitted to Congress with the agreement, provides that the Wichita and affiliated bands shall be allowed as compensation for the cession of their surplus lands, the sum of \$286,000 (subject to such reduction as may be necessary on account of any allotments that may be made in excess of the number above stated), being at the rate (approximately) of 50 cents per acre for the surplus; \$53,000 of said sum to be paid per capita upon the completion of the allotments, the remainder (\$233,000) to be retained in the Treasury of the United States and bear interest at 5 per cent per annum.

Siletz, in Oregon, \$142,600, to be disposed of as follows: To be placed in the Treasury of the United States to the credit of the Indians, and bear interest at 5 per cent per annum, \$100,000, the balance of the principal, to be paid in small sums to individual Indians in manner provided.

Turtle Mountain Band of Chippewas, in North Dakota, to be paid \$50,000 annually for twenty years, to be expended in the purchase of food, clothing, etc., and \$5,000 of said sum to be paid per capita annually in cash.

(2) The amount of Indian depredation claims which has received the approval of the Department of the Interior pursuant to the act of March 3, 1885 (23 Stats., 376), as shown in the table contained in the report of the Commissioner of Indian Affairs for 1891, page 115, is as follows: 1,459 claims in which the total amount claimed is \$4,884,531.62, upon which the allowances appropriated aggregated the sum of \$1,565,946.65.

(3) It is shown in the annual report of the Attorney-General of the United States for 1892, page 7, that there have been filed in the Court of Claims, under the act of March 3, 1891 (26 Stats., 851), prior to November 1, 1892, 8,596 petitions, the aggregate amount claimed thereunder being \$33,151,050.67.

(4) Judgments rendered by the Court of Claims under said act of March 3, 1891, against Indian tribes for depredations have been paid out of funds held in trust by the United States for the benefit of Indian tribes in only six instances, viz:

From interest on Ute 4 per cent. fund:	
Judgment in favor of Isaac Van Bremmer for.....	\$625.00
From interest on Pawnee fund:	
Judgment in favor of Niels Peterson for.....	250.00
From interest on Osage fund:	
Judgment in favor of H. C. Bridgman for.....	215.00
Judgment in favor of William H. Baker for.....	50.00
Judgment in favor of William T. Asbell for.....	550.00
Judgment in favor of George N. Moses for.....	485.00
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	2,175.00

(5) To what extent the funds held in trust for the Indian tribes by the United States are likely to be depleted by the payment of judgments rendered, or to be rendered, by the Court of Claims for Indian depredations, can now only be estimated. It is shown above that the aggregate amount of funds held in trust by the United States for all Indian tribes, including the five civilized tribes, amounts to \$24,570,593.26. The amount which has been stipulated to be paid under agreements recently made but not yet ratified is \$12,199,586.12. A considerable portion of this latter sum will no doubt be held in trust by the United States for the Indians concerned, when the agreements shall be ratified. The amount of claims pending in the Court of Claims on November 1, 1892, was \$33,151,050.67. The report of the Attorney-General shows that in the judgments so far rendered, the amounts recovered were a little more than 33 per cent of the amounts demanded. If the same ratio shall be maintained in the disposition of the remaining cases now pending in the court, the total amount of the judgments obtained will be about \$10,500,000 on claims already filed.

It is, however, understood that a considerable portion of the claims filed in the Court of Claims are new cases never previously presented to this Department. The papers in only 2,893 of the 7,995 cases pending in this office have been transferred to the Court of Claims. This clearly indicates that more claims are being filed in the Court of Claims than were pending in this office at the date of the approval of the act of March 3, 1891, transferring jurisdiction to said court.

The following table, contained in the annual report of the Commissioner of Indian Affairs for 1891, page 116, shows the amounts of all the depredation claims filed in this Department against Indian tribes specifically named:

Comanche.....	\$4, 056, 639	Ponca.....	\$38, 621
Apache.....	4, 186, 490	Pottawatomie.....	7, 887
Creek.....	1, 195, 978	Oregon.....	133, 613
Cheyenne.....	2, 394, 382	Sac and Fox.....	270, 145
Sioux.....	2, 900, 415	Yakama.....	85, 783
Navajo.....	2, 382, 109	Wichita.....	6, 821
Kiowa.....	1, 447, 592	Crow.....	35, 670
Chippewa.....	168, 835	Puyallup.....	14, 145
Pawnee.....	216, 170	Omaha.....	4, 067
Osage.....	227, 115	Modoc.....	34, 259
Nez Percés.....	365, 588	Cayuse.....	43, 009
Ute.....	525, 233	Shoshone.....	57, 997
Rogue River.....	434, 796	Caddo.....	37, 240
Bannock.....	375, 028	Walla Walla.....	67, 253
California Indians.....	884, 098	Coquille.....	12, 027
Arapaho.....	297, 308	Skaquamish.....	3, 676
Nisqually.....	118, 109	Pima and Maricopa.....	9, 752
Winnebago.....	73, 251	Flatheads.....	11, 505
Keechie.....	55, 365	Menomonee.....	580
Klikitat.....	138, 678	Hualapais.....	53, 819
Washington Ter. Indians.....	84, 527	Otoe.....	3, 564
Blackfeet.....	217, 701	Eluha.....	398
Kansas or Kaw.....	65, 261	Iowa.....	252
Piutes.....	368, 315	Prairie Indians.....	13, 325
Cherokee.....	85, 520	Lipan.....	52, 090
Southern Refugee Indians.....	6, 150	Pond d'Oreille.....	1, 740
Kickapoo.....	302, 351		
Snake.....	153, 318	Total.....	24, 755, 711
Cow Creek.....	30, 151		

It will be noted from the foregoing statements that funds are held in trust by the United States for tribes against which no claims charging depredations are filed; while, on the other hand, the amount of the claims for depredations charged against other tribes nearly equals, and in some cases exceeds, the amounts of funds held in trust by the United States for such tribes. It will also be noted that large amounts of depredations are charged against certain tribes for which no funds are held in trust by the United States.

The following tribes of Indians have no trust funds whatever to their credit in the Treasury of the United States, but are charged with depredations in the respective amounts as given below, viz:

Comanche.....	\$4, 056, 639	Yakama.....	\$85, 783
Apache.....	4, 186, 490	Wichita.....	6, 821
Navajo.....	2, 382, 109	Crow.....	35, 670
Kiowa.....	1, 447, 592	Puyallup.....	14, 145
California Indians.....	84, 098	Modoc.....	34, 259
Rogue River.....	434, 796	Cayuse.....	43, 009
Piutes.....	368, 315	Caddo.....	37, 240
Nez Percés.....	365, 588	Walla Walla.....	67, 253
Blackfeet.....	217, 701	Coquille.....	12, 027
Snake.....	153, 318	Skaquamish.....	3, 676
Klikitat.....	138, 673	Pima and Maricopa.....	9, 752
Nisqually.....	118, 109	Flatheads.....	11, 505
Oregon.....	133, 613	Washington Territory Indians.....	84, 527
Winnebago.....	73, 251	Pond d'Oreille.....	1, 740
Keechie.....	55, 365	Eluha.....	398
Hualapais.....	53, 819	Chippewa.....	168, 835
Lipan.....	52, 090		
Prairie Indians.....	13, 325	Total.....	15, 787, 837
Cow Creek.....	30, 151		
Southern Refugee Indians.....	6, 150		

But should the agreements before referred to be ratified by Congress, some of the above-named tribes will have trust funds to their credit, as therein set forth.

The following table shows the Indian tribes which now have trust funds to their credit in the Treasury of the United States and the amounts of the same, together with the amounts of depredation claims against them which were filed in this office prior to March 3, 1891, viz:

Tribes.	Depredations.	Trust funds.
Cheyennes.....	\$2, 394, 382	} \$1,000,000.00
and		
Arapahoes.....	297, 308	
Cherokees.....	85, 520	2,637, 235.60
Creeks.....	1, 195, 978	2,000,000.00
Iowas.....	252	171, 543.37
Kansas.....	65, 261	27, 174.41
Kickapoos.....	302, 381	115, 727.01
Menomonees.....	580	453, 195.03
Osages.....	227, 115	8, 356, 603.35
Omahas.....	4, 067	197, 182.72
Otoes.....	3, 564	
Otoes and Missourias.....		613, 478.90
Pawnees.....	216, 170	415, 811.69
Poncas.....	38, 621	70, 000.00
Pottawatomies.....	7, 887	184, 094.57
Shoshones.....	57, 997	
and		} 172, 789.30
Bannocks.....	375, 028	
Utes.....	525, 233	1,750, 006.00
Total.....	5, 797, 314	18, 164, 835.95

The Sioux Indians are charged with depredations to the amount of \$2,900,415. By the 17th section of the act of March 2, 1889 (25 Stats., 895), \$3,000,000 are set aside as a permanent fund for the Sioux Nation of Indians. By section 3 of the act of January 19, 1891 (26 Stats., 721), a proportionate division of this fund was directed to be made and to be carried to the credit of the Indians of each of the diminished reservations. Any judgment rendered against the Sioux Indians would meet with difficulty of payment from that fund, unless the Indians belonging to one of the specific diminished reservations are shown to have committed the depredation. Similar difficulties will likely be encountered with reference to judgments against other Indian tribes. For instance, if judgments are rendered against the Sac and Fox Indians, it would have to be shown whether the depredations were committed by the Sac and Fox of Missouri, the Sac and Fox of Mississippi, or the Sac and Fox of Mississippi in Oklahoma.

The agreement with the Apaches, Kiowas, and Comanches negotiated for relinquishment of their title and interest in the surplus lands of their reservation, contemplates a trust fund of \$1,500,000 for those tribes combined, while the amount of depredations charged against the Comanches and Kiowas alone aggregates \$5,504,231, and the amount charged against the Apaches is \$4,186,490, but a large portion of this latter sum is against the Apaches of Arizona and New Mexico having no present or prospective trust fund.

The Senate resolution above referred to is respectfully returned herewith.

Very respectfully,

T. J. MORGAN,
Commissioner.

The SECRETARY OF THE INTERIOR.